Single Bench

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

M.C.C. NO. 778 /2006

APPLICANT : Parikhit, aged about 50 years S/o- Manijar, occupation- cultivation. R/o- Village Sahaspur, Tehsil and Distrcit- Raigarh (C.G.)

VERSUS

RESPONDENTS

1. Hem Prasad, aged about 55 years S/o- Dilchand
2. Jagat Ram, aged about 46 years S/o- Bhagirathi,,
3. Resham lal, aged about 25 years S/o- Harihar,
4. Lait Kumar, aged about 22 years S/o- Bhogi Lal,
5. Dhuma, aged about 30 years, S/o- Anand Ram,
6. Ambika Bai D/o nanki Rawat, aged not known,
7. Bharosa Ram, aged about 46 years, S/o- Anand Ram,
8. Hari Ram, aged about 30 years, S/o- Atma Ram,

All Res. No. 1 to 8 are R/o- Village Sahaspur, Tehsil and Distrcit- Raigarh (C.G.)

9. The State of Madhay Pradesh (Now C.G.) through the collector, Raigarh (C.G.)

P.R. No. 3510106
Presented by Shri S.K. Khare
dated 17/11/06

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OATH COMMISSIONER
APARNA MALVIYA
CG-2073/95
Bilaspur Chhattisgarh
17/11/06

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक M.C.C.778/06 **सन्** **200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

23.11.2006:

Shri F.S. Khare counsel for the applicant.

M.C.P. No. 2076/2006 for condonation of delay in filing the application.

As per office note dated 20.11.2006 the application is within time and therefore no order is required to be passed on this application. Accordingly, M.C.P. No. 2076/2006 is disposed of.

The applicant has preferred this application for restoration of M.C.C. No. 45/2003 as the same was dismissed on 4.10.2006 for want of prosecution.

Learned counsel for the applicant submits that the above matter was listed on default on 4.10.2006 for the reason that the applicant instead of filing M.C.C. ought to have filed contempt petition. However, since counsel for the applicant was out of station on that day, the matter was dismissed for want of prosecution. He further submits that his absence on 4.10.2006 is bona fide as he was out of station in connection with some urgent family work and therefore he could not appear when he matter was called.

In the circumstances, the application is allowed and the M.C.C.45/2003 is restored to its original number provided the applicant deposits Rs. 500/- with the High Court Legal Aid Committee.

Sd/-
Dhirendra Mishra
Judge

P.T.O.